

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) CASE NO. CR10-254-MJP  
v. )  
MICHAEL S. SMITH, ) DETENTION ORDER  
Defendant. )  
\_\_\_\_\_ )

Offense charged: Conspiracy to Distribute Controlled Substances; Allegations of Forfeiture

Date of Detention Hearing: September 24, 2010

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

## FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both

01 dangerousness and flight risk, under 18 U.S.C. §3142(e).

02 2. Defendant has a lengthy criminal history with numerous failures to appear with  
03 resultant bench warrant activity. An active, extraditable warrant for failure to appear for  
04 arraignment in Whatcom County Superior Court is outstanding.

05 3. Defendant has limited ties to this district, an unstable residential history, substance  
06 abuse issues and mental health concerns. Defendant does not contest detention.

07 4. Taken as a whole, the record does not effectively rebut the presumption that no  
08 condition or combination of conditions will reasonably assure the appearance of the defendant  
09 as required and the safety of the community.

10 It is therefore ORDERED:

11 (1) Defendant shall be detained pending trial and committed to the custody of the  
12 Attorney General for confinement in a correction facility separate, to the extent  
13 practicable, from persons awaiting or serving sentences or being held in custody  
14 pending appeal;

15 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
16 counsel;

17 (3) On order of a court of the United States or on request of an attorney for the  
18 Government, the person in charge of the corrections facility in which defendant  
19 is confined shall deliver the defendant to a United States Marshal for the purpose  
20 of an appearance in connection with a court proceeding; and

21 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
22 counsel for the defendant, to the United States Marshal, and to the United States

## Pretrial Services Officer.

DATED this 24th day of September, 2010.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge